

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

August 16, 2022 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, August 16, 2022 with the following persons present: Council President Ryan Lineaweaver; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Jennifer Bressler, Patrick Kaag, Denise Drobnick, and Zachary Shaver (via Zoom); Mayor Samantha Kaag; Solicitor Daniel Becker; Engineer Tom Unger; Code Department Manager Cathy Hoffman; Chief of Police Wayne Holben; Fire Chief Chad Moyer; Borough Manager Dean Murray; Public Works Director Kerry Grassley; Treasurer Jeanette Rentschler (via Zoom, arrived at 8:05 p.m.); Main Street Manager Mark Ratcliffe; Police Officer Nicholas Karetas (via Zoom); Sergeant Ryan Phillips; Police Officers Matthew Nguyen and Gil Tinoco; and Borough Secretary Cynthia Madeira.

VISITORS:

James Rogers, Resident

Karen Livingood, Resident (via Zoom)

Lance Parmer, Resident (via Zoom)

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:15 p.m., which was followed by the Pledge of Allegiance and Roll Call.

2. **EXECUTIVE SESSION:**

Mr. Lineaweaver noted an executive session that was held at 6:00 p.m. this evening to discuss personnel matters and the acquisition of real property.

3. **AGENDA AMENDMENTS:**

The following action items were requested to be added to the agenda following executive session discussions:

- a. Consideration to approve the Reading Hospital Road Run and request to waive certain fees.
- b. Consideration to allow the appropriate parties to explore the acquisition of real property.
- c. Consideration to enter into a Memorandum of Understanding with the Muhlenberg Area Ambulance Association.

Motion to amend the agenda to include the three additional noted action items. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

4. **PRESENTATIONS:**

- a. **Commendation:** Mayor Kaag read aloud and presented a Commendation to Sergeant Phillips for his dedication and effective leadership in serving as the Officer in Charge during the timeframes of December 5, 2020 through June 28, 2021 and December 3, 2021 through June 13, 2022.

Sergeant Phillips and Police Officers Nguyen and Tinoco departed the meeting at 7:20 p.m.

5. **PUBLIC COMMENT:**

Mr. Rogers commented that the tax administrative service of Berkheimer, in another municipality, has demonstrated their initiative to educate business owners to their business privilege tax obligations to bring their business into compliance. Borough Council was encouraged to consider the services of Berkheimer to bring the businesses located within West Reading into compliance. Mr. Rogers noted through his research and comments during public meetings that various businesses such as the billboards and rental properties have been brought into compliance with

their business privilege license and taxes. He offered to provide a list of 391 potential noncompliant businesses to the Borough or Berks Earned Income Tax to urge compliance. It was noted that Berks Earned Income Tax is in the process of establishing a system to collect delinquent taxes and the need to collectively change tax administrators with the Wyomissing Area School District.

6. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the July 19, 2022 regular meeting minutes. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 7-0.**

7. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance – Parking Prohibited at All Times** – Mr. Lineaweaver noted that per a recommendation from the Traffic and Infrastructure Committee this ordinance amendment has been tabled at this time.

- b. **Ordinance 1153 No Winter Maintenance** – Mr. Lineaweaver reported that this amendment has been advertised and contains a list of roads that would not receive winter maintenance.

Motion to adopt a supplementation to Section 396-19 Plowing and Removal of Snow and Ice to designate non-maintained roadways. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **Ordinance – Zoning Amendment** – Mr. Lineaweaver requested authorization to advertise a zoning hearing to consider amendments to the zoning ordinance.

Motion to authorize the advertisement of a zoning hearing to be held on September 20, 2022 at 7:00 p.m. to amend sections of the zoning ordinance that relate to front yard setbacks and rope lighting use in the Central Business District. **Moved** by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 7-0.**

- d. **Ordinance – Residential Permit Parking** – It was noted that changes are proposed to North Sixth Avenue to limit permit parking to the area from Court Street to Reading Avenue and to rename Clark Alley.

Motion to authorize the advertisement of amendments to Section 430-29 Residential Permit Parking. **Moved** by Ms. Drobnick and seconded by Mr. Kaag. **Motion carried 7-0.**

- e. **Resolution 2022-8 Appointment of Building Code Official** – Mr. Lineaweaver stated that this resolution would appoint Chad Moyer as the Building Code Official, Assistant Zoning Officer, and Assistant Building Inspector.

Motion to appoint Chad Moyer as Building Code Official, Assistant Zoning Officer, and Assistant Building Inspector. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

- f. **Resolution 2022-9 Handicapped Parking Space Policy** – Proposed revisions to this policy as recommended by the Traffic and Infrastructure Committee include:

- Space designations would be made in close proximity to the applicant's request as opposed to adhering to end of block placement near handicapped ramps;
- The maximum number of spaces designated per block would be based on a percentage of spaces available per block;

- The application was revised to remove the requirements to demonstrate the physical or mental eligibility needs of the applicant, while allowing verification to be based solely on the applicant holding a current state issued handicapped placard;
- The intervals for approval were increased from semi-annually to quarterly, or January, April, July, and October to avoid extended applicant wait times while limiting the number of ordinance amendments.

Motion to adopt Resolution 2022-9 Handicapped Parking Space Policy. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

8. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Mr. Becker stated that he had nothing new to report that is not otherwise covered on the agenda.
- b. **Engineer's Report** – Mr. Unger referred to the following action items:
 - **428 Penn Avenue Letter of Credit Reduction** – The developer is requesting a third letter of credit reduction in the amount of \$13,673.32 for completed improvements. Mr. Unger recommended Council to approve this reduction noting the asset these improvements provide to Penn Avenue. The remaining balance of \$26,311.39 is for a ten-percent retainage and inspection fees.

Motion to approve the third letter of credit reduction to Nickel Properties, LLC in the amount of \$13,673.32. **Moved** by Mr. Lincoln and seconded by Ms. Drobnick. **Motion carried 7-0.**

- **2021 Sanitary Sewer Project** – A second and final payment application has been received from Wexcon, Inc. in the amount of \$56,652.17. There are two minor items that need to be addressed for a second time. Therefore, it was recommended to approve payment contingent upon the completion of these two items.

Motion to approve the second and final payment application to Wexcon, Inc. in the amount of \$56,652.17 for the 2021 Sanitary Sewer Project subject to the outstanding items being addressed. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

- **433 Penn Avenue Zoning Variance Review** – The Planning Commission has reviewed an appeal to the Zoning Hearing Board for the current nonconforming service station use with gasoline pumps to a convenience store with gasoline pumps. The Planning Commission requested Systems Design Engineering, Inc. to draft a letter to address the number of requested variances recommending against the approval of a use variance.

Motion to approve the Systems Design Engineering, Inc. 433 Penn Avenue variance application review addressed to the Zoning Hearing Board on behalf of the West Reading Borough Planning Commission. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

An update was provided on the Delaney Circle paint striping and signage project. There are two action items that were recommended from the recent Traffic and Infrastructure Committee meeting to discuss the yield versus stop intersections with an LTAP representative and movement of the pedestrian crosswalk that crosses the circle.

Mr. Wert inquired as to dedication of the 500 block of Elm Street now that the townhome construction has been completed. Mr. Unger indicated that curb ramp replacement and paving are anticipated this fall.

Mr. Lincoln inquired as to when the 2022 paving projects are scheduled to begin. It was indicated that a pre-construction meeting is scheduled later this week with a start date next week.

Motion to accept the Engineer's report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Mr. Unger departed the meeting at 7:43 p.m.

9. **COUNCIL PRESIDENT'S REPORT:**

Mr. Lineaweaver indicated that he had nothing new to report at this time.

10. **BOROUGH MANAGER'S REPORT:**

- a. **Sidewalk Sale Date Ratification** – An approval of the ratified sidewalk sale date was requested.

Motion to approve the ratification of the approved sidewalk sale date from Sunday, August 7, 2022 to Saturday, August 6, 2022. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

- b. **Cellular Phone Contract** – Consideration was requested to migrate from Verizon Wireless to AT&T cellular phone service contingent upon a favorable solicitor review of a minor amendment to the Police Department Collective Bargaining Agreement. It was noted that AT&T signal strength within the Reading Hospital was verified by the Police Department to be similar to that of Verizon Wireless.

Motion to migrate to a cellular phone service contract with AT&T contingent upon a favorable solicitor review of a minor amendment to the Police Department Collective Bargaining Agreement. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **Energy Services** – The current electric contract rate of \$0.05022 with AEP Energy expires in September. Edge Insights has collected price quotes in the volatile market recommending that a selection of terms be established as soon as possible to avoid any further rate increases. The lowest thirty-six-month rate of \$0.09670 was received from Dynegy at the close of business today. It was noted that the grid will not support what everyone wants to electrify and that it will cost money to make improvements to meet these demands. Mr. Becker indicated that Dynegy would penalize an early termination, however it was thought that electric rates would not trend lower in the foreseeable future.

Motion to enter into the lowest cost thirty-six-month electric service contract. **Moved** by Mr. Lincoln and seconded by Ms. Drobnick. **Motion carried 6-0.** Mr. Shaver abstained from the voting process due to a conflict of interest with his employment.

- d. **Reading Hospital Road Run** – Consideration was requested to waive fees associated with barricades and cones for the annual road run event to be held on October 16, 2022. It was noted that the course has been modified to include more park land use to limit the amount of police and public works staffing fees.

Motion to approve the request for a fee waiver of traffic control equipment for the Reading Hospital Road Run event to be held on Sunday, October 16, 2022. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- e. **Memorandum of Understanding** – Consideration was requested to allow Muhlenberg Ambulance Association to borrow the Gator XUV for Muhlenberg's RiverFest event on August 27th and 28th.

Motion to approve Muhlenberg Ambulance Association's use of the Gator XUV on August 27 and 28, 2022. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

- f. **Acquisition of Real Estate** – Consideration was requested to allow the appropriate parties to explore the acquisition of real estate.

Motion to approve the acquisition of real estate by the appropriate parties. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

- g. **Concert in the Park Update** – Mr. Murray noted that the first Concert in the Park event is scheduled this Sunday, and to date the requested documentation and fees have not been submitted. A final message has been sent to the appropriate parties allowing them to satisfy all requirements by 5:00 p.m. on Thursday or the event would be cancelled. Borough Council agreed to this timeline particularly since approval was granted for a beer garden.

Motion to accept the Borough Manager's report. **Moved** by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 7-0.**

Mrs. Rentschler arrived at 8:05 p.m.

11. **MAYOR'S REPORT:** Mayor Kaag noted the following events this past month:

- **Code Red** – On July 23rd complaints were received regarding pets left outside in extreme heat conditions. It was discovered that legislation is not in place to enforce code red or code blue conditions in the Borough. A solution is currently being pursued.
- **Fire Police Officers** – On August 1st three new Fire Police Officers were sworn-in.
- **National Night Out** – On August 2nd an award was presented to Yolanda Wells for her commitment to the community.
- **Sidewalk Sale** – The August 6th sidewalk sale event was a success.
- **French Fry Fest** – The August 13th event was well attended. It was noted that a proclamation was issued to allow sidewalk sales on this date to boost sales for local businesses.
- **Community Block Party** – On August 14th Mayor Kaag attended the Taste of Summer with Friends Block Party where seventy backpacks had been donated. Ms. Wells hopes to grow this annual event to donate five-hundred backpacks next year.
- **Restaurant Week** – August 15 through 20 is West Reading Restaurant Week. Everyone was encouraged to get out and take advantage of the good food and three course meal deals for \$30. The accomplishments of magazine covers and articles of Taqueria Comalli and Nitro Bar were noted.

Motion to accept the Mayor's report. **Moved** by Ms. Drobnick and seconded by Mr. Lincoln. **Motion carried 7-0.**

12. DEPARTMENT REPORTS:

- a. **Police Department** – Chief Holben referred to his report and offered to answer any questions.

Mr. Lincoln inquired as to the parameters of the Pedestrian Safety Grant details to ensure the ongoing issue of motorists failing to yield to pedestrians is enforced. Chief Holben indicated that this is a portion of the planned enforcement details that are primarily focused on pedestrian safety of school children walking to and from school.

Motion to accept the Police Department report. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

- b. **Public Works Department** - Mr. Grassley referred to the savings spreadsheet that outlines concrete improvement savings this past month. It was noted that following a review of equipment fuel requirements the Borough fleet has been converted to an 87-octane fuel that is anticipated to save roughly \$5,000 annually. Mr. Grassley requested permission to begin the pursuit of two new Public Works members, one to replace Mr. Moyer should he choose to be a full-time Code Department member and one to assist with the added responsibilities of concrete improvements.

Mr. Lineaweaver requested additional time to entertain the hiring of Public Works staff to allow the Personnel Committee to fully address staffing of other departments.

Mr. Grassley spoke of the recent joint ten-inch valve replacement within a meter pit that is shared with Reading Area Water Authority on Buttonwood Street. This modification would allow the safe operation of valves from the exterior of the meter pit and reduces the budgeted expenditure by roughly \$52,000.

Motion to accept the Public Works Department report. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

- c. **Fire Department** – Chief Moyer referred to his report and offered to answer any questions. It was noted that there are no action items this month. Mr. Kaag inquired as to additional photos of the replacement fire truck building process. Chief Moyer indicated that no new photos are available, however, he will post new photos as soon as they become available.

Motion to accept the Fire Department report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

- d. **Code Department** – Mrs. Hoffman offered to answer questions regarding her report and expressed her confidence and thankfulness in Mr. Moyer's natural abilities to lead the Code Enforcement Department.

Mr. Lineaweaver is equally appreciative of plans to bring the Code Department back in-house.

Mayor Kaag inquired as to the notation of the Property Maintenance Inspector instructing a resident to refrain from tying a German Shepherd outside on a hot day to determine if this is an enforceable regulation. It was noted that a recent amendment to the animal ordinance prohibits tethering of an animal outside unless accompanied by a person. Mayor Kaag indicated that this

may be a helpful tool to assist in addressing code red or code blue situations. It was also noted that the Animal Rescue League could be called to address animal cruelty issues.

Mr. Lineaweaver noted continued discussions with the solicitor to amend the political signage regulations and the intention to present recommendations next month.

Motion to accept the Code Department report. **Moved** by Mr. Lincoln and seconded by Ms. Drobnick. **Motion carried 7-0.**

- e. **West Reading Community Revitalization Foundation** – Mr. Ratcliffe noted the Fall Fest event that is quickly approaching on September 17th, and efforts to obtain grant funding for LED lighting on Penn Avenue, revamp regulations to include form-based codes, gateway improvements, and the continued work on the Business Improvement District (BID). A new West Reading Gift Card program is now available, noting that Drexel University has purchased forty gift cards to include in their new student packages.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Ms. Drobnick and seconded by Mr. Kaag. **Motion carried 7-0.**

Mr. Ratcliffe departed the meeting at 8:23 p.m.

13. COMMITTEE / COMMISSION REPORTS:

- a. **Equity Diversity and Inclusion Taskforce** – Mrs. Bressler noted that a meeting was held on August 3rd to continue to discuss the advantages and concerns of removing a local Human Relations Commission (HRC) component from the non-discrimination ordinance. Concerns related to first-hand knowledge of the community and local control of the resident board may be preferable to directing complaints to the state HRC. Other concerns included the cost of the board and qualifications of board members. A potential partnership with the City of Reading HRC was one solution to keeping this board local. A meeting with Royersford Borough, a municipality of similar size to West Reading Borough, is planned to discuss their experience with a non-discrimination ordinance and HRC during the past five-years. All of Council, the Mayor, and Borough Manager are invited to attend this field trip. A meeting is planned later this month with a Tower Health representative to learn more about their EDI initiatives to explore opportunities for collaboration.

Motion to accept the Equity Diversity and Inclusion Taskforce report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

- b. **Recreation Commission** – Ms. Drobnick referred to the Recreation Commission minutes and noted a bike ride last Saturday. These second Saturday rides are planned to continue through the end of the year, weather permitting. On September 4th a Battle of West Reading Karaoke Stars is planned and should be a lot of fun. Our enthusiastic new Recreation Commission members are looking for new opportunities for low or no cost recreational activities for residents.

Mr. Kaag indicated that a Black Friday weekend Disc Golf Tournament is being planned on the Borough's course.

Motion to approve the Recreation Commission report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **Planning Commission** – Mr. Wert noted discussions surrounding front yard setbacks and rope lighting amendments and the incorporation, to a large degree, of the Berks County Planning Commission comments. A Zoning Hearing Board (ZHB) application pertaining to 433 Penn Avenue was reviewed and a determination made to forward a letter to the ZHB recommending against the approval of a use variance. A copy of the letter can be found under the Engineer's report. Lastly, the Rental Occupancy Ordinance amendment continues to be reviewed by the board and solicitor.

Motion to accept the Planning Commission report. **Moved** by Ms. Drobnick and seconded by Mrs. Bressler. **Motion carried 7-0.**

- d. **Economic Development Committee** – The August Economic Development Committee meeting had been cancelled.
- e. **Environmental Advisory Council** – Mr. Kaag referred to the minutes and offered to answer any questions.

Mr. Wert noted a new Met-Ed grant opportunity to construct or retrofit an entire building with energy efficient standards. It was recommended to revisit the energy audit of Borough Hall to potentially address the aging HVAC systems through an application to the Berks County Community Foundation.

Motion to approve the Environmental Advisory Council report. **Moved** by Mr. Lincoln and seconded by Ms. Drobnick. **Motion carried 7-0.**

- f. **Traffic and Infrastructure Committee** – Mr. Lincoln referred to the previously noted tabling of an amendment to Section 430-21 Parking Prohibited at All Times. A number of Penn Avenue business owners attended the August meeting to express concerns of prohibiting parking behind businesses in regards to loading and unloading. It was decided to table an amendment to this section at this time to consider other options for Cherry Street and Court Street. A utility billing policy was recommended to be reviewed by staff and will be discussed further next month.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- g. **Shade Tree Commission** – Mr. Kaag offered to answer any questions regarding the minutes noting that the topics of planting, removal and watchlist trees will be on each agenda moving forward.

Mrs. Bressler inquired as to who was responsible for the trimming of the tree planted by the Borough in front of her home. Mr. Murray noted that due to the lack of a planting strip area residents were asked if they wanted a tree planted in their yard that would be maintained by the Borough.

Motion to accept the Shade Tree Commission report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 7-0.**

- h. **Safety Committee** – Mr. Murray offered to answer any questions regarding the report noting a minor incident with a fire vehicle that is currently being repaired. There were no questions or comments.

Motion to accept the Safety Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

14. **TREASURER'S REPORT:**

- a. **2023 Minimum Municipal Obligation (MMO)** – Mrs. Rentschler indicated that in the past the lesser amount had been approved initially, with the ability to allocate additional funds should the budget allow. Mr. Wert recommended adding even a small amount above the minimum to keep the pension fund healthy.

Motion to elect the minimum municipal obligation Police Pension Plan in the amount of \$391,459. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 7-0.**

- b. **Financial Statement Ending 7/31/2022** – There were no questions or comments.
- c. **Payment Approval Report 7/20/22 to 8/11/22 and 8/12/22 to 8/16/22** – There were no questions or comments.

Motion to approve the financial statement ending 7/31/2022, and Payment Approval Reports of 7/20/22 to 8/11/22 and 8/12/22 to 8/16/22. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 7-0.**

15. **PUBLIC COMMENT:**

Mr. Rogers noted the 2022 Art on the Avenue in-kind services totaled \$10,926.79, bringing the total of 2022 in-kind services to \$18,618.34.

Mr. Rogers requested clarification on the earlier motion pertaining to real estate. Mr. Lineaweaver stated the motion was to explore the acquisition of real estate. Mr. Rogers requested information on the property in question, to which Mr. Lineaweaver indicated that this information is currently classified.

Mr. Rogers inquired as to the installation of stop signs at Reading Avenue and Delaney Circle. Mr. Lincoln shared that LTAP has recommended all yield intersections approaching the circle. The engineer plans to discuss concerns surrounding LTAP's recommendation, at this time a final decision has not yet been made.

Mr. Rogers questioned the decision to prohibit parking within six spaces in front of or near West Reading Tavern during the French Fry Fest. He indicated that these spaces would be beneficial as handicapped parking spaces for the event. Chief Moyer indicated that the Public Safety Committee made a request to prohibit parking in this area to avoid pedestrians from going into the line of traffic to get around event congestion.

16. **ADJOURNMENT:** Motion to adjourn the meeting at 8:56 p.m. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary